

REMARKS

Favorable and prompt allowance of the pending claims in the application is respectfully requested on the basis of the following particulars.

1. In the claims

In the "Amendment to the Claims," claims 1-39 are cancelled without prejudice or disclaimer. New claims 40-57 are submitted which result from the granted claims in the corresponding European patent 1 226 308. While the substance of these new claims has not changed over the European claims, the claims have been modified in accordance with U.S. practice.

In view of the original claims, the new claims are directed to a security element and an object of value having the security element. The new claims recite a thermochromic layer in combination with a translucent layer disposed above the thermochromic layer. General support for the translucent layer (5) is provided in the specification at page 5, 2<sup>nd</sup> full paragraph, and at least in Figs. 2-4.

The translucent layer is identified as containing liquid crystal pigments or is provided with a relief structure which, in turn, is either combined with a transparent dielectric layer or with a metal layer in screen form. Thus, the security element comprises at least two layers.

Entry of the new claims 40-57 is respectfully requested in the next Office communication.

2. Rejection of claims 1-39 under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,688,221 (*Kaule*)

Reconsideration of this rejection is respectfully requested in view of the submission of new claims and their distinguishing characteristics over *Kaule*.

Simply put, *Kaule* does not describe a two-layered structure of the type now recited in the pending claims. Further, *Kaule* does not disclose a translucent layer that

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produces different color effects in reflected light upon a change of viewing angle. Accordingly, *Kaule* does not disclose or suggest every feature required by claims 40-57.

In view of these observations, it is respectfully submitted that claims 40-57 are patentable over *Kaule*. Allowance of these claims is respectfully requested in the next Office communication.

3. Conclusion

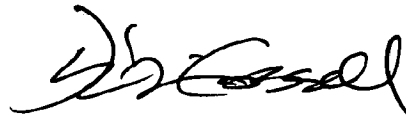
As a result of the new claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,



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